Remarks - Selection of Claims and Arguments Against Multiplicity Rejection

5 Per M.P.E.P. 2173.05(n) and the Examiner's action, Applicants select the twenty-five claims listed below for examination on the merits. Additionally, Applicants present arguments as to why the multiplicity of claims rejection is in error and that the non-selected claims
10 should be allowed.

Applicants agree with the Examiner's multiplicity rejection exclusively with respect to the single claim 42. Applicants have found that claim 42 was substantially
15 similar to selected claim 28, and, accordingly, claim 42 has been cancelled.

Applicants eagerly anticipate the examination of the selected claims on the merits. The twenty-five selected
20 claims are:
4, 5, 7, 9, 11, 13, 25, 28, 29, 45, 47, 48, 54, 58, 60, 61, 64, 67, 72, 75, 76, 77, 79, 83, and 87.

Applicants maintain that each of the selected claims,
25 other than claim 87, represents a more particular identification of the invention claims and that each selected claim is more narrow than its parent. Further, Applicants submit that each dependent claims serves to more clearly identify the and set apart the corresponding parent
30 claims.
The following paragraphs address each of the non-

selected claims, all of which are dependent upon at least one selected claim. Applicants submit that each of the non-selected claims is effectively and clearly narrower in scope than the corresponding parent claim, and each with

5   increasing distinction and clarity points out the claimed invention.

Non-selected claim 6 depends on selected claim 5, a method wherein information (from claim 4) about a party

10   comprises their preferences, and increases specificity by providing a list of exemplary preferences.

Non-selected claim 8 depends on selected claim 7 wherein information about a party comprises their

15   attributes, and increases specificity by providing a list of exemplary attributes.

Non-selected claim 10 depends on selected claim 9, wherein information about a party comprises an aversion

20   attribute at they have, and increases specificity by providing a list of exemplary aversion attributes.

Non-selected claim 12 depends upon selected claim 11, wherein information about a party having an aversion (not

25   from, but as in claim 9) and a corresponding a nullifying preference. Non-selected claim 12 increases specificity by providing an exemplary list of pairs of aversion attributes and nullifying preferences.

30   Non-selected claims 14-24, are all directly or
   indirectly dependent on selected claim 13, wherein

information about a party comprises a privilege. Non-
selected claims 14-24 are each more specific than selected
claim 13, as they elaborate on the privileges, their use,
acquisition, purchase, and identification.

5

Non-selected claim 23 is for a method wherein
information (from claim 4) comprises a language of
preference for the party. Non-selected claim 24 uses the
language of preference for step b) of claim 4. As such,

10   both non-selected claims 23 and 24 are more specific and
more particular than claim 4.

Non-selected claims 26 and 27 both depend on selected
claim 25, wherein the data regarding attractions includes a

15   scheduled time. Both non-selected claims 26 and 27 are
more specific as they elaborate on limitations related to
the scheduled time of selected claim 25.

Non-selected claims 30-41 depend on selected claim 29,

20   wherein the itinerary includes scheduled times and ensures
an appropriate amount of time between attractions. Each of
the non-selected claims 30-41 are more specific than
selected claim 29, and elaborate on the determination of
the "time required between attractions" (from claim 20).

25

Non-selected claim 43 is similar, though not dependent
on selected claim 45, which supports an interrupted
itinerary. Non-selected claim 43 is a method wherein the
information (from claim 4) comprises a set of attractions

30   previous selected (the third set), so that the itinerary
(from claim 4) substantially avoids repetition of those

attractions. Non-selected claim 44, dependent on non-selected claim 43, emphasized that the sets of selected attractions can be from different days.

5   Non-selected claim 46 depends on selected claim 45, and more specifically identifies causes for the interruption of claim 45.

       Non-selected claims 49-54 all depend directly or
10   indirectly on selected claim 48, which provides that the itinerary of claim 4 can be used to operate an access control system. Non-selected claims 49-54 all elaborate on elements of selected claim 48 to more particularly point out the Applicants' invention.
15

       Non-selected claims 55-57 are dependent on claim 54, which provides a list of exemplary computers provided in step c). Non-selected claims 55-57 each elaborate with additional configurations of computers to more particularly
20   and clearly point out the Applicants' invention.

       Selected claim 58 provides that the presentation means of step e) comprises a printer and the presenting of the itinerary (at least a portion of it) to the party in step
25   f) is in printed form. Non-selected claim 59, dependent on selected claim 58, provides a list of exemplary printed forms for the itinerary, thereby pointing out Applicants' invention more particularly.

30   Non-selected claims 62 and 63, both dependent on claim 4, provide that in step f), only a single next attraction,

or a next portion of said itinerary (respectively) is provided at one time. This is a distinct and more particularly invention claimed.

5   Selected claim 64 is dependent on selected claim 4 and provides a reservation computer indicating whether an attraction is available in step d) as the software is selecting attractions. Non-selected claim 65, dependent on selected claim 64, has the software of claim 4 include a

10   time as it communicates with the reservation computer in attraction selection step d), thereby being a more particular claim than its parent.

Selected claim 67, dependent on claim 4, restricts

15   that the software is less likely to select an attraction identified by data (from claim 4) as having excessive demand. Non-selected claim 66, also dependent on claim 4, is similar in structure to claim 67, but is opposite in emphasis as it restricts that the software is more likely

20   to select an attraction identified by data (from claim 4) as underutilized. This distinction is specific, and particular, and serves to more clearly point out what the Applicants' consider their invention.

Non-selected claims 68-71 do depend on selected claim

25   67, and further prescribe elements that determine and moderate excessive demand, thereby being more specific than their respective parent.

Selected claim 72 further adds to the itinerary

30   generating method of claim 4 steps to track the demand generated for the attractions by the itinerary. Non-

selected claims 73 and 74 depend on selected claim 72, and
are further more specific adding steps to track demand and
allocate reservations to the attractions.

5   Selected claim 77 provides marketing messages to the
party in conjunction with the itinerary of claim 4. Non-
selected claim 78 depends on selected claim 77, and further
specifies an appropriate time to deliver a message from
claim 78 more effectively, thereby providing a more
10   particular identification of the invention.

       Non-selected claim 80, dependent on selected claim 4,
requires that the software of claim 4 comprises a utility
function, a particular kind of decision making algorithm,
15   and designates that function's parameters and outputs.
This is a more specific and particular designation of an
invention than selected claim 79, which requires that the
software of claim 4 comprises a decision making routine
used in step d).
20

       Non-selected claim 82, dependent on selected claim 4,
is similar to selected claim 83 (which provides a specific
list of exemplary data about attractions), but non-selected
claim 82 only provides that the data comprises actual queue
25   information for at least one attraction. A finding of
allowability for selected claim 83 should, because of this
similarity, apply also to apply non-selected claim 83.

       Non-selected claim 84, more particularly provides that
30   step b) of claim 4 be conducted over the Internet.

Non-selected claims 85 and 86, describe the form of the computer of claim 4, in a manner analogous to the presentation in selected claim 54, and non-selected claims 55-57. However, the further limitations of non-selected

5 claims 85 and 86 are not dependent on those in selected claim 54. Applicants argue that allowability of selected claim 54 should reflect similarly on non-selected claims 85 and 86.

10 Selected apparatus claim 87 is for a system for generating an itinerary. The construction of claim 87 is highly parallel that of method claim 4. Non-selected apparatus claims 88-169 are all ultimately dependent on claim 87. Each offers parallel construction to claims 5-

15 86, in the association pointed out in Table 1 of the Amendment, beginning on page 59 of the Amendment.

The Examiner has rejected claims 4-169 on the basis that their number tends to obfuscate, confuse, and becloud

20 the claimed invention. Applicants disagree (with the exception of claim 42, herein cancelled) and have presented arguments to overcome the multiplicity of claims rejection of the non-selected claims.

Remarks - Arguments Against Restriction

ᖾ   In the present action, the Examiner noted that there appeared to be a multiplicity of inventions, and requested that Applicants group the selection of claims to read on a

5   single invention.

Applicants submit that there is only one invention, or that if more than one invention exists, that a restriction is not proper, as described below.

Applicants believe, though lacking significant

10   expertise in patent classification, that all claims currently presented read onto a single invention in class 705/6, for generating itineraries.

Selected claim 48 is a method which provides that the

15   itinerary of selected claim 4 can be used to operate an access control system.

Mahoney et al. in US 5,502,806 is discussed as prior art in the Applicant's application, paragraph 0018.

20   Mahoney provides computer terminals for visitors having an ID to make and edit reservations and subsequently access attractions through ID reading turnstiles, thereby teaching an AB combination of A) access control and B) itinerary generation.

25   Applicants submit that the itinerary generation method of claim 4 represents a novel subcombination B. Per M.P.E.P. 806.05(b) Old Combination — Novel Subcombination, restriction would not be proper between an unpatentable combination (AB) if novelty resides in subcombination (B).

30   Per M.P.E.P 820.01, "the combination and subcombination as defined by the claims under this special situation are not

for distinct inventions." Ex parte Donnell, 1923 C.D. 54, 315 O.G. 398 (Comm'r Pat.1923).

5   Selected claim 72 similarly adds to the itinerary generating method of claim 4, with steps to track the demand generated for the attractions by the itinerary. Prior art reservation systems exhibit the AB combination of A) tracking reservations for an attraction, and B) itinerary generation. As argued above in conjunction with 10   selected claim 48, Applicants submit that the itinerary generation method of claim 4 represents a novel subcombination B and per M.P.E.P. 806.05(b), restriction would not be proper.

15   Selected claim 75 similarly adds steps for making reservations to the method of claim 4 producing an AB combination of A) tracking reservations for an attraction, and B) itinerary generation, as previously described. Again, Applicants submit that the itinerary generation 20   method of claim 4 represents a novel subcombination B and that restriction would not be proper.

        In US Patent 6,889,098 published May 3, 2005, Laval et al. teach a method of providing the AB combination of A) 25   providing marketing messages with B) itinerary generation. Selected claim 77 provides marketing messages to the party in conjunction with the itinerary of claim 4. Applicants submit that the itinerary generation method of claim 4 represents a novel subcombination B and that restriction 30   would not be proper.

REMARKS – General

Applicants thank Examiner Dixon for the courtesy of the written response, given the complexity of this case.

5   Applicants have cancelled claim 42 as being substantially repetitious over claim 28.

Applicants have made substantial efforts, not only in the original filing, but in the subsequent amendment documents to clearly point out a) support in the

10   specification for claimed subject matter, and b) usage in the specification making apparent the intended meaning of claim terminology, and to show that each claim particularly points out and distinctly claims the subject matter of the invention.

15   Applicants state that each claim is supported within the specification as originally submitted. Further, the Examiner is respectfully reminded of Table 1, provided in the Preliminary Amendment beginning on page 59, which specifically identifies, for each claim specific paragraph

20   numbers offering support for the claim or use of terms.

By the above amendment and response, applicants have corrected typographical errors in the specification and supplied additional claims to define the invention more

25   particularly and distinctly so as to define the invention patentably over the prior art.

Conditional Request for Constructive Assistance

30   Applicants believe the claims of this application are in proper form, definite, and define novel structure which

is also unobvious. If, for any reason this application is
not believed to be in full condition for allowance,
applicants respectfully request the constructive assistance
and suggestions of the Examiner pursuant to M.P.E.P. §

5   2173.02 an § 707.07(j) in order that the undersigned can
place this application in allowable condition as soon as
possible and without the need for further proceedings.

Very respectfully,

10

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25   William G. Redmann, Applicant